

Chapter 106-141 WAC
USE OF CAMPUS FACILITIES FOR EXPRESSIVE ACTIVITY

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WAC

106-141-010	Purpose.
106-141-020	Definitions.
106-141-030	Use of campus facilities for expressive activity.
106-141-040	Limitations on use of campus facilities.
106-141-050	Solicitation—Distribution of materials—Posting.
106-141-060	Violations—Trespass—Appeals.

WAC 106-141-010 Purpose. This chapter contains the policies of Central Washington University concerning the use of campus facilities by campus and noncampus groups for engaging in free speech and other expressive activities. The university as an academic institution values freedom of inquiry and expression, civil discourse, and tolerance of competing viewpoints. At the same time, campus facilities are intended primarily for use by campus groups for educational and related institutional purposes. The university intends to open the campus for expressive use by noncampus groups to the extent that such usage does not substantially and materially interfere with institutional purposes. It is further intended, both with respect to campus and noncampus groups, that these expressive activity policies shall be interpreted and applied consistently with applicable constitutional law.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-102, § 106-141-010, filed 8/2/19, effective 9/2/19.]

WAC 106-141-020 Definitions. (1) **Campus facilities - Grounds and buildings.** The term "campus facilities" as used in this chapter means the grounds and buildings owned, leased, operated, or controlled by the university at its campuses in Ellensburg and other locations throughout the state.

(a) **Grounds.** The campus "grounds" consist of those outdoor areas of the campus that are generally open and accessible to the public, including any commons, public square, plaza, patio, pedestrian mall, thoroughfare or walkway, multipurpose field, lawn, or open space.

(b) **Buildings.** The "buildings" of the campus consist of any academic or administrative building, student union, library, museum or gallery, auditorium, theater, concert or recital hall, laboratory, dining or residence hall, athletic or recreational facility, conference or event center, maintenance or storage facility, parking lot, and any other structure reserved by the university for designated institutional uses.

(2) **Campus and noncampus groups.** The term "campus groups" means individuals or groups of individuals affiliated with the university as students, faculty or staff, or invited guests sponsored by a recognized student or alumni organization, academic department, or administrative office of the university. A "noncampus group" means individuals or groups of individuals who are not so affiliated with the university.

(3) **Expressive activity.** The term "expressive activity" means the exercise of those rights of speech, petition, and assembly protected under the federal and state constitutions including, but not limited to, public speech or other expressive conduct, the circulation of petitions or distribution of literature, protests, demonstrations, ral-

lies, picketing, and other gatherings to share information, ideas, beliefs, or viewpoints.

(4) **Public forum - Designated or limited.** A "public forum" for purposes of this chapter is either "designated" or "limited." A dedicated public forum is available for expressive use both by campus and noncampus groups. A limited forum is available for expressive use only by campus groups and may be limited to designated purposes.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-102, § 106-141-020, filed 8/2/19, effective 9/2/19.]

WAC 106-141-030 Use of campus facilities for expressive activity. (1) **Campus grounds.** The grounds of the campus constitute designated public forums available for use for expressive activity both by campus and noncampus groups, as those terms are defined in WAC 106-141-020.

(2) **Campus buildings.** The buildings of the campus constitute limited public forums available for use for expressive activity only by campus groups, as those terms are defined in WAC 106-141-020, and may be limited to designated purposes. Campus buildings and other facilities are available for rent by noncollege groups in accordance with the university's facility rental policies.

(3) **Limits on usage.** The use of campus facilities by campus or noncampus groups for expressive activities is subject to reasonable time, place, and manner regulations as set forth in WAC 106-141-040.

(4) **Exception - Open public meetings.** Nothing in these rules is intended to apply to public participation in meetings of the university's governing board or associated student body that are required to be open to the public under the Open Public Meetings Act, chapter 42.30 RCW.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-102, § 106-141-030, filed 8/2/19, effective 9/2/19.]

WAC 106-141-040 Limitations on use of campus facilities. Campus or noncampus groups using campus facilities for expressive activities shall be subject to the following rules governing the time, place, and manner of the expressive activity.

(1) **Disruption or interference.** The expressive activity must not substantially and materially disrupt or interfere with the university's essential academic or administrative functions or with the rights and privileges of the university's students, employees, or invitees.

(2) **Hours of activity.** Expressive activity on the campus grounds as defined in WAC 106-141-020 must be limited between the hours of 8:00 a.m. and 10:00 p.m. Expressive activity in campus buildings must be limited in accordance with the normal hours of operation and other rules applicable to the particular building.

(3) **Scheduling conflicts.** Campus facilities, including both "grounds" and "buildings" as defined in WAC 106-141-020, are not available for unscheduled expressive activities that conflict with previously scheduled uses of the facility.

(4) **Sound amplification.** Sound amplification, whether by artificial means or otherwise, must be maintained at a volume that does not substantially and materially disrupt or interfere with the university's essential academic or administrative functions.

(5) **Traffic obstruction.** The expressive activity must not be conducted in such a manner as to obstruct vehicular, bicycle, pedestrian, or other traffic including, but not limited to, access by emergency vehicles or personnel. The activity must not otherwise interfere with access to campus facilities or to other campus activities or events.

(6) **Health and safety - Protection of property.** The expressive activity must not create health or safety hazards, pose safety risks to others, or cause damage to university property or the property of others. The activity must be conducted in compliance with applicable fire, health, safety, and sanitation regulations.

(7) **Advance notice requested.** Campus and noncampus groups are requested to notify the university reasonably in advance of a planned or scheduled expressive activity. Such notice does not involve any permit application or approval process. Advance notice is requested for the purpose of avoiding scheduling conflicts and making appropriate security and facility use arrangements. Groups providing the requested notice are encouraged to provide the name and contact information for their group; the date, time and place of the activity; and the estimated number of participants.

(8) **Cleanup - Repairs.** Campus and noncampus groups using campus facilities for expressive activities are expected to clean up after the activity and return the facilities to their original condition. Reasonable charges may be assessed against responsible parties for the cost of any extraordinary cleanup or for repairing damaged property.

(9) **Camping prohibited.** There shall be no overnight camping anywhere on or in campus facilities, except as expressly authorized by the university for designated institutional purposes. Camping is defined to include sleeping, cooking, or storing personal belongings, for personal habitation, or the erection of tents or other shelters or structures used for purposes of personal habitation.

(10) **Other applicable policies or rules.** The expressive activity must otherwise be conducted in compliance with any other applicable university policies and rules, local ordinances, and state or federal law.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-102, § 106-141-040, filed 8/2/19, effective 9/2/19.]

WAC 106-141-050 Solicitation—Distribution of materials—Posting.

(1) **Solicitation.** Commercial solicitation generally is not permitted on university property. Solicitation by campus and noncampus groups for other than commercial purposes is permitted to the same extent applicable to the distribution of materials under subsection (2) of this section. Space in campus buildings may be rented to noncampus groups for commercial or noncommercial purposes in accordance with university policies applicable to the particular campus facility.

(2) **Distribution of materials.**

(a) **Definition.** The term "materials" for purposes of this subsection means free literature or other tangible items, other than commercial advertising including, but not limited to, handbills, pamphlets, petitions, surveys, questionnaires, and other printed matter that is otherwise lawful.

(b) **Distribution on campus grounds.** Campus and noncampus groups may distribute materials anywhere on the campus grounds as defined in WAC 106-141-020, provided such distribution does not substantially and

materially interfere with essential university functions and is otherwise in compliance with applicable time, place, and manner regulations under WAC 106-141-040.

(c) **Distribution in campus buildings.** The distribution of materials in campus buildings as defined in WAC 106-141-020 is limited to campus groups in accordance with university policies applicable to the particular facility.

(d) **Littering - Parking lots.** Littering is prohibited. The general distribution of materials by placing them on vehicle windshields in university parking lots is deemed to constitute littering.

(3) **Posting.** The posting by campus groups of noncommercial advertising or other printed announcements is permitted in designated locations and for designated purposes in accordance with policies applicable to the particular campus facility. Posting of noncommercial announcements by noncampus groups is permitted in areas designated for publicizing community events.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-102, § 106-141-050, filed 8/2/19, effective 9/2/19.]

WAC 106-141-060 Violations—Trespass—Appeals. (1) **Violations by students or employees.** University students or employees violating these rules will be advised of the specific nature of the violation and, if the violation persists or poses an immediate risk of harm to others, may be asked to leave the campus, or designated areas of the campus, and may be reported to the appropriate university authorities for potential corrective or disciplinary action in accordance with applicable university policies.

(2) **Violations by nonuniversity persons.** Persons other than university students or employees violating these rules will be advised of the specific nature of the violation and, if the violation persists or poses an immediate risk of harm to others, may be directed by university police to leave the campus or designated areas of the campus. Such direction will be in the form of a written notice of trespass withdrawing the license or privilege of such persons to enter onto or remain on university property, either temporarily or for a stated period of time, and subjecting such persons to arrest for criminal trespass under chapter 9A.52 RCW or applicable municipal ordinance.

(3) **Appeal of trespass notice.** When the university under subsection (2) of this section revokes the license or privilege of any person to be on university property, whether temporarily or for a stated period of time, such person may request review of the decision by the university president or designee. The request must be made in writing within ten calendar days of receiving the trespass notice and must explain why the person disagrees with the trespass decision. The trespass notice will remain in effect pending administrative review. The administrative decision should be issued within five business days and will constitute the final decision of the university.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-102, § 106-141-060, filed 8/2/19, effective 9/2/19.]